

**Notice of Allowability**

Application No.

09/520,257

Examiner

Herng-der Day

Applicant(s)

BILAK ET AL.

Art Unit

2128

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment received 10/4/04 and 1/24/05.
2. ☒ The allowed claim(s) is/are 12 and 15-19.
3. ☒ The drawings filed on 24 January 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 01242005.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*Thai Phan*  
Thai Phan  
Patent Examiner  
AU: 2128

### **DETAILED ACTION**

1. This communication is in response to Applicants' Amendment to Office Action dated May 5, 2004, faxed October 4, 2004, and Applicants' Supplemental Amendment faxed January 24, 2005.

1-1. Claims 12 and 16-19 have been amended. Claims 1-11, 13-14, and 20-27 have been cancelled. Claims 12 and 15-19 are pending.

1-2. Claims 12 and 15-19 have been examined and allowed.

### ***Reasons for Allowance***

2. The following is an Examiner's statement of reasons for allowance:

2-1. The closest prior art of record discloses:

(1) A method for determining a guardband voltage differential for testing a microprocessor (Mittl et al., U.S. Patent 5,634,001).

(2) A typical procedure for determining significant process factors and for setting test process guardbands (Comard et al., "Calculating Error of Measurement on High Speed Microprocessor Test").

(3) A guardbanding technique used with production test equipment (Williams, et al., "The Economics of Guardband Placement").

2-2. Independent claim 12 is directed at a method for determining a specification guardband for a processor used in a system. Although using statistical analysis to select a guardband is obvious, this independent claim identifies the distinct combination of features including creating

Art Unit: 2128

a set of distribution models for variables representative of system environment, test environment, tester to system offset, and reliability, recording highest frequency for different system variables, characterizing electrical and mechanical test system parameters, and calculating tester to system mean and sigma based on the sample size, in order to statistically select a guardband as shown in Figure 7. This distinct combination of features has not been uncovered in a single teaching, nor would a modification of prior art references be obvious to one of ordinary skill in the art to yield these limitations in the context of the claim. Claim 1 is deemed allowable.

Dependent claims 15-19 are allowable as they depend on allowed independent claim 12.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jean R. Homere can be reached on (571) 272-3780. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 2128

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Herng-der Day H.D.  
January 24, 2005

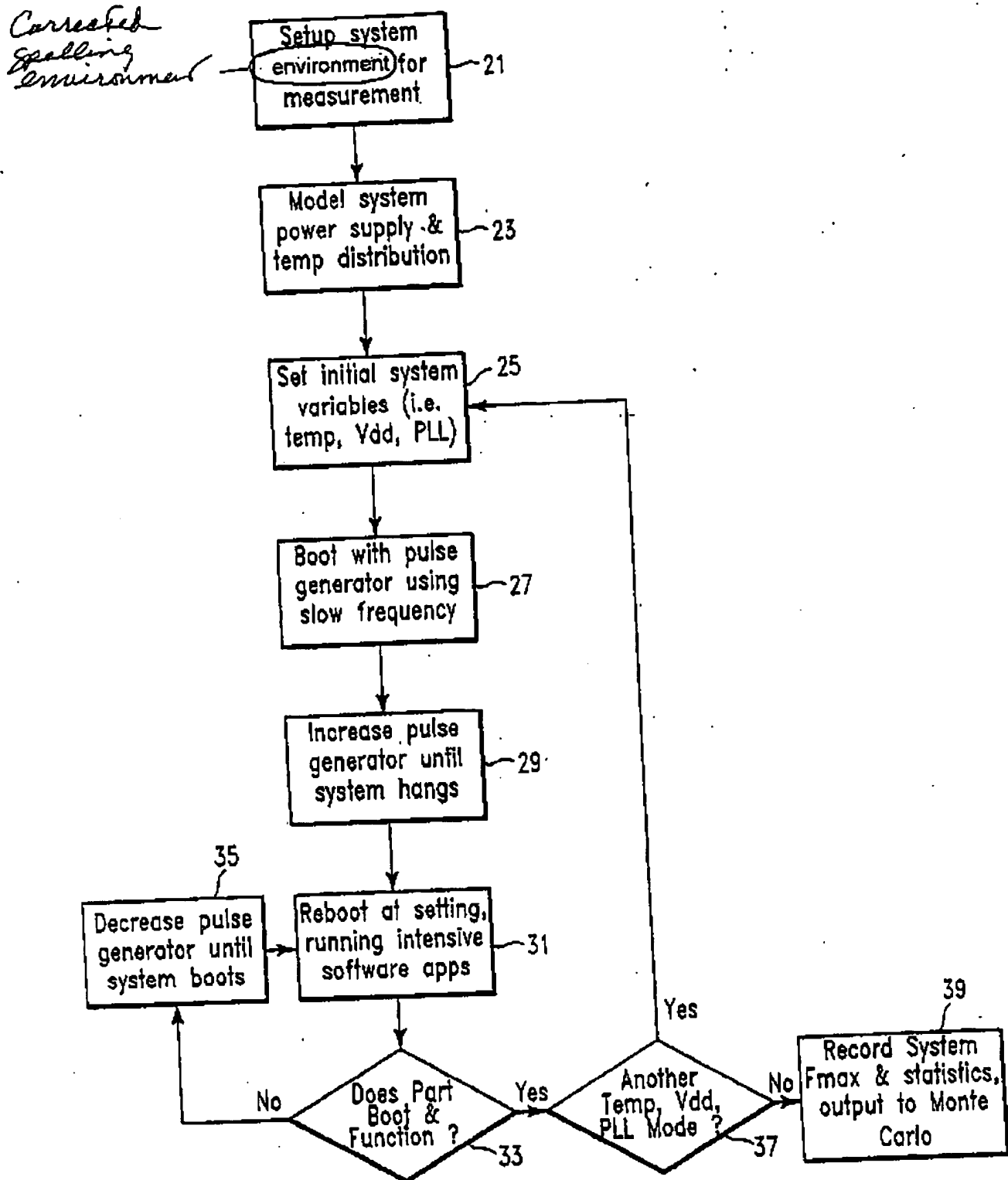
3 / 7  
BUR9-1999-0238-US1

FIG. 3

BUR9-1999-0238-US1

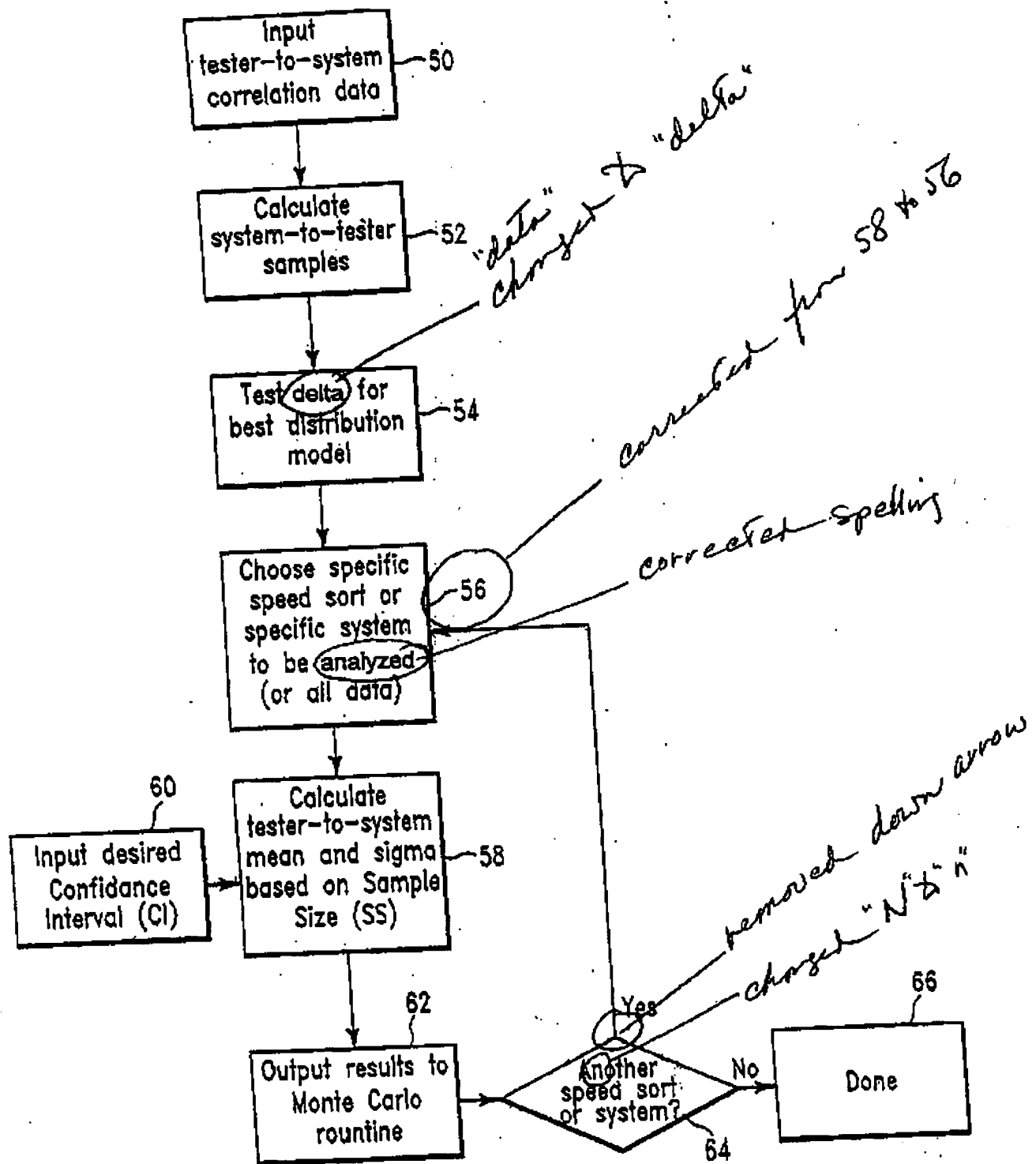


FIG. 4

5 / 7  
BUR9-1999-0238-US1

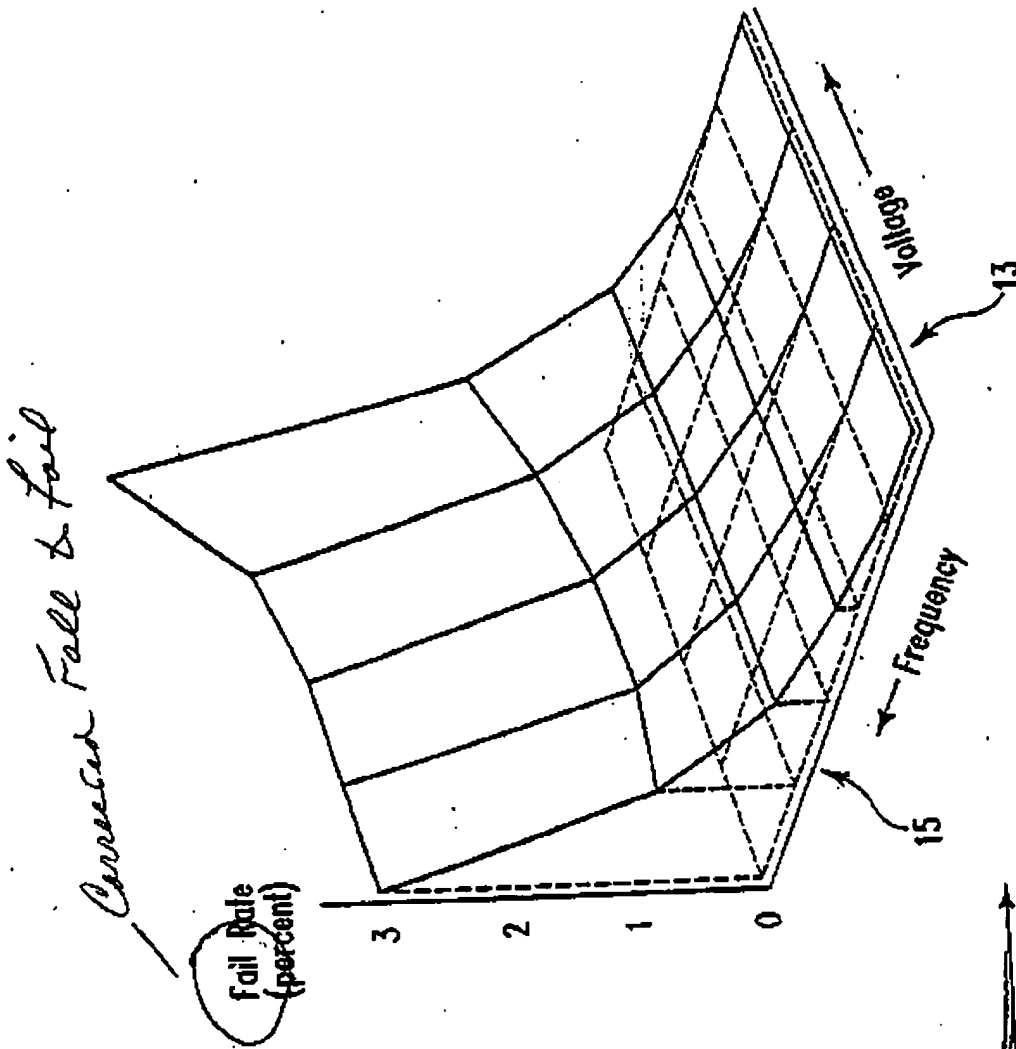


FIG. 6

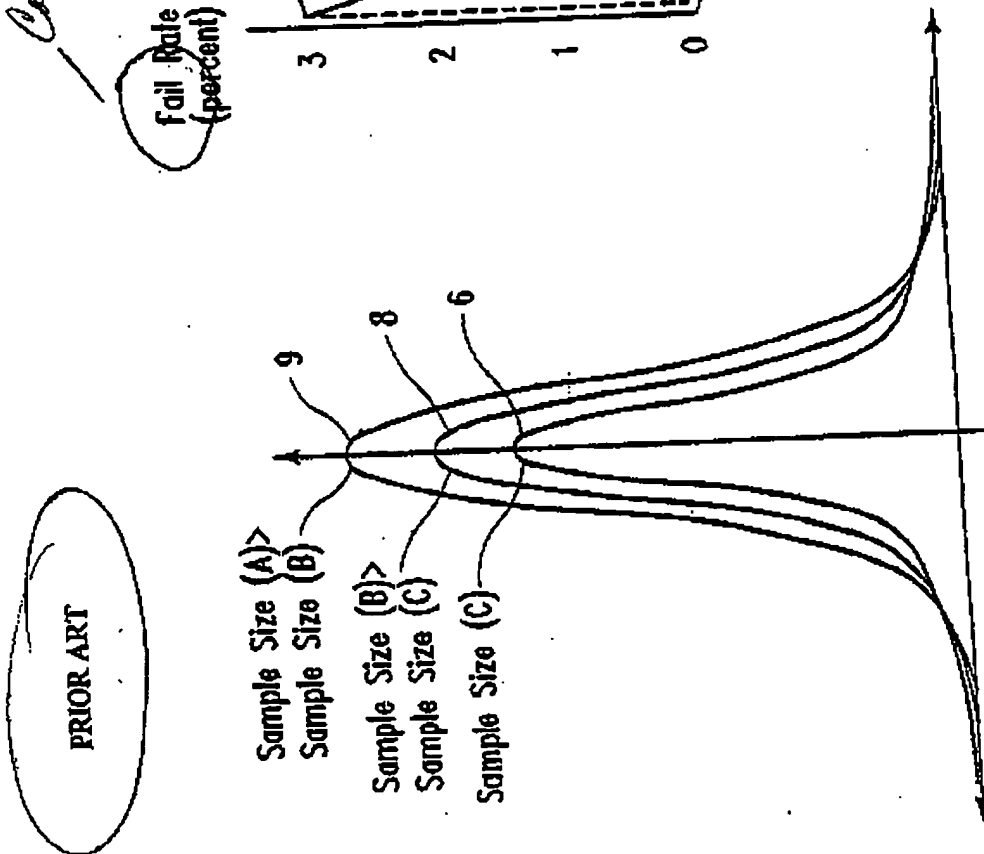


FIG. 5

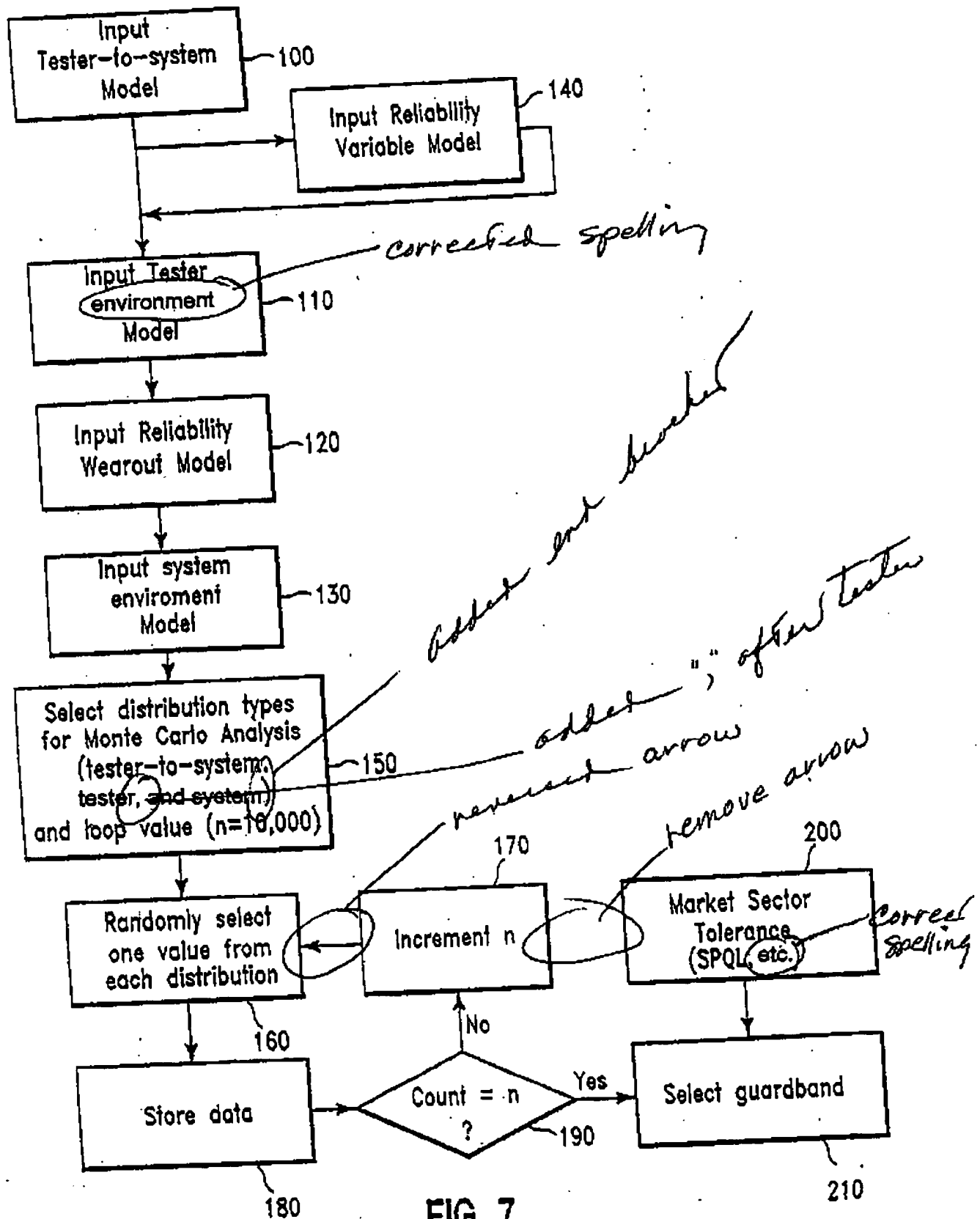
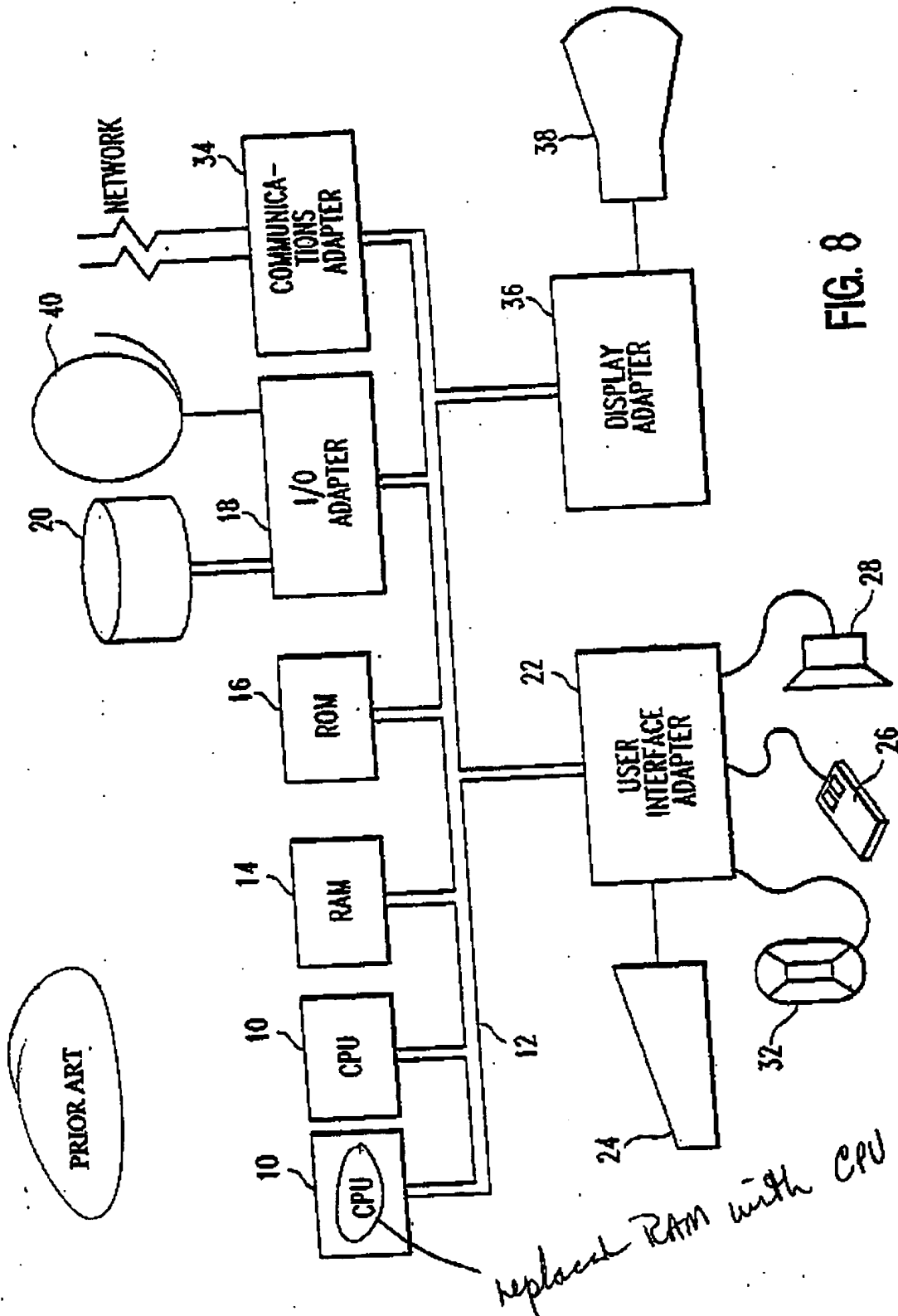


FIG. 7





3 / 7  
BUR9-1999-0238-US1

REPLACEMENT SHEET

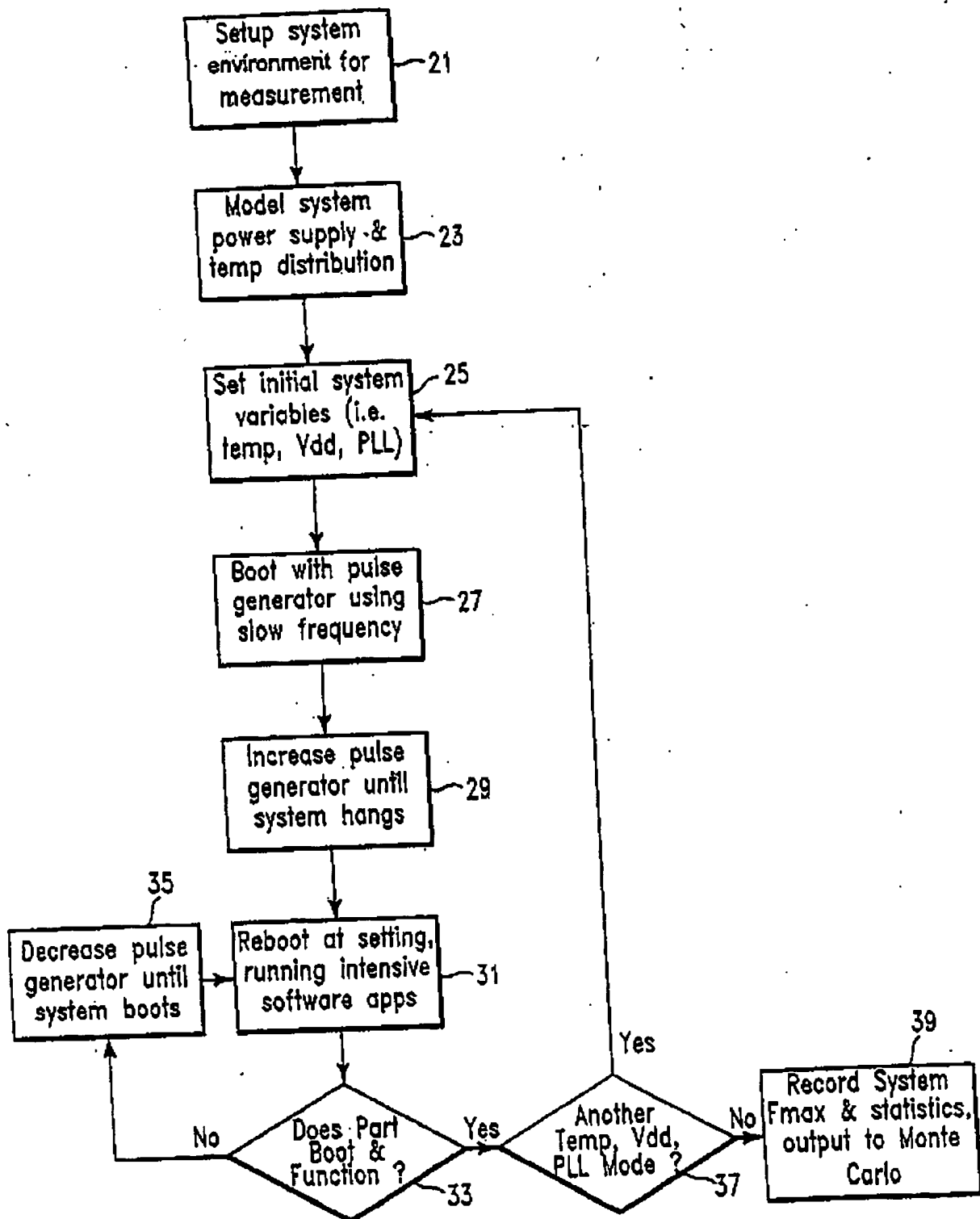


FIG. 3

BUR9-1999-0238-US1

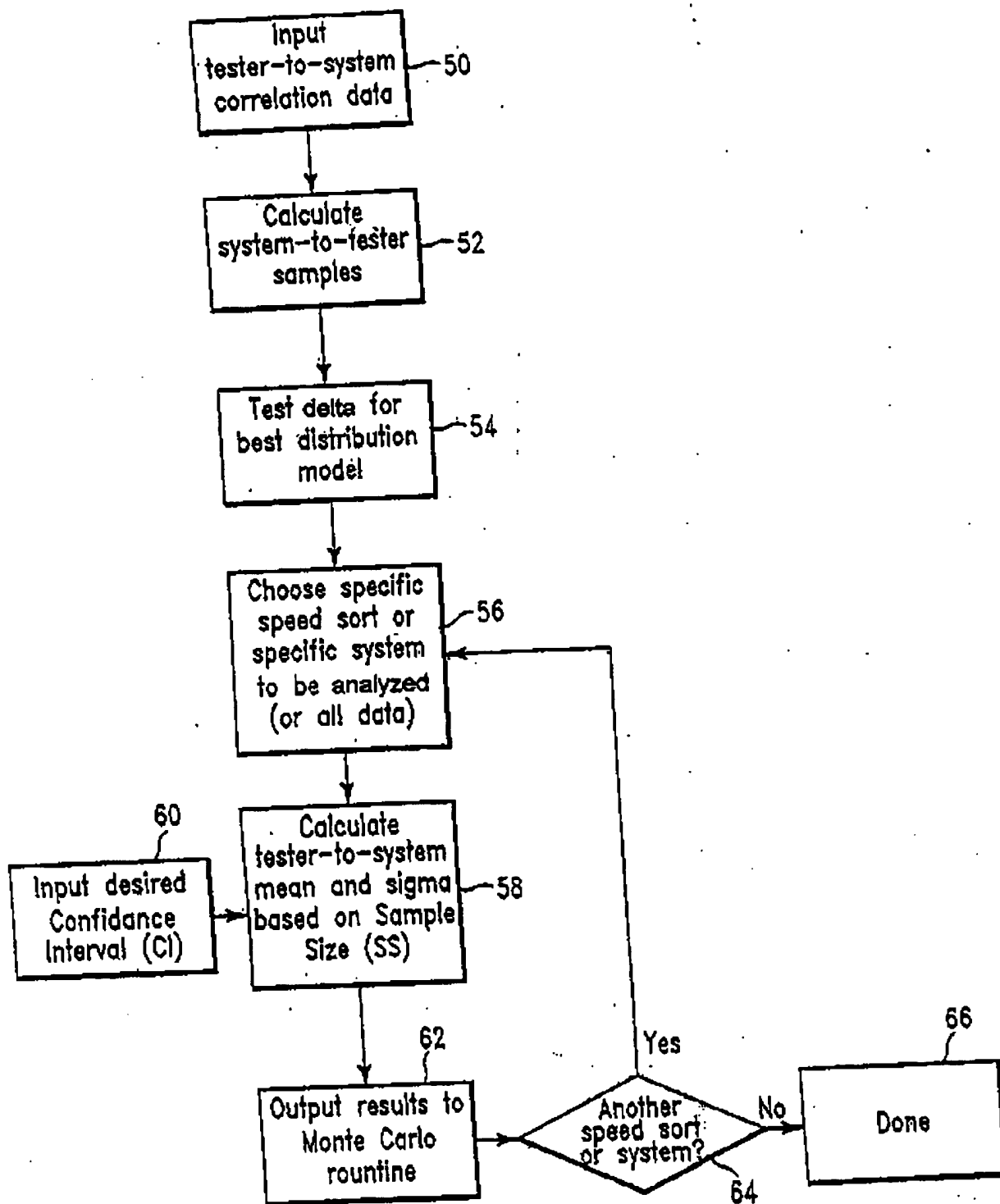


FIG. 4

5 / 7  
BUR9-1999-0238-US1

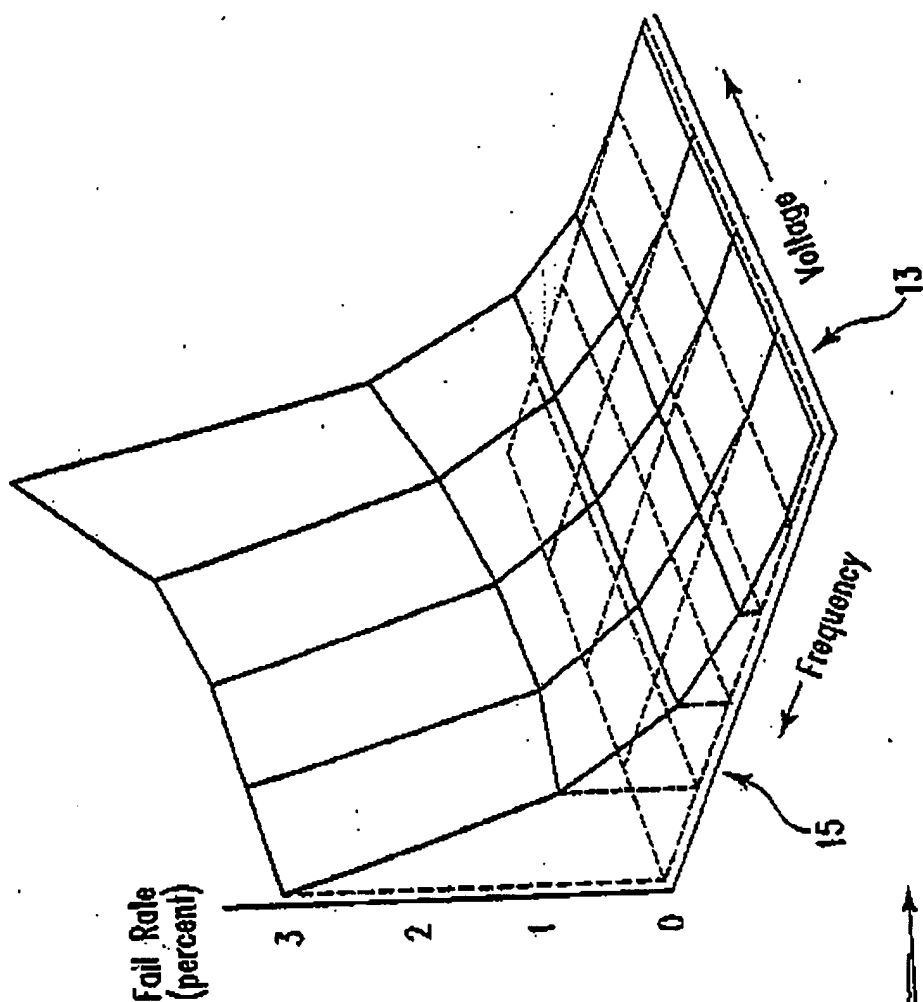


FIG. 6

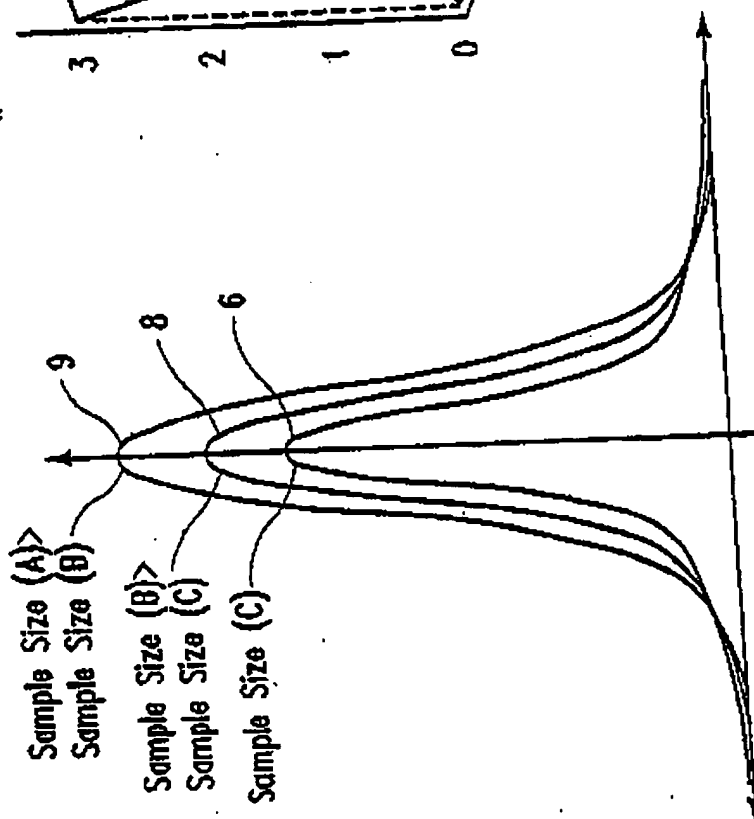


FIG. 5

PRIOR ART

6 / 7  
BUR9-1999-0238-US1

REPLACEMENT SHEET

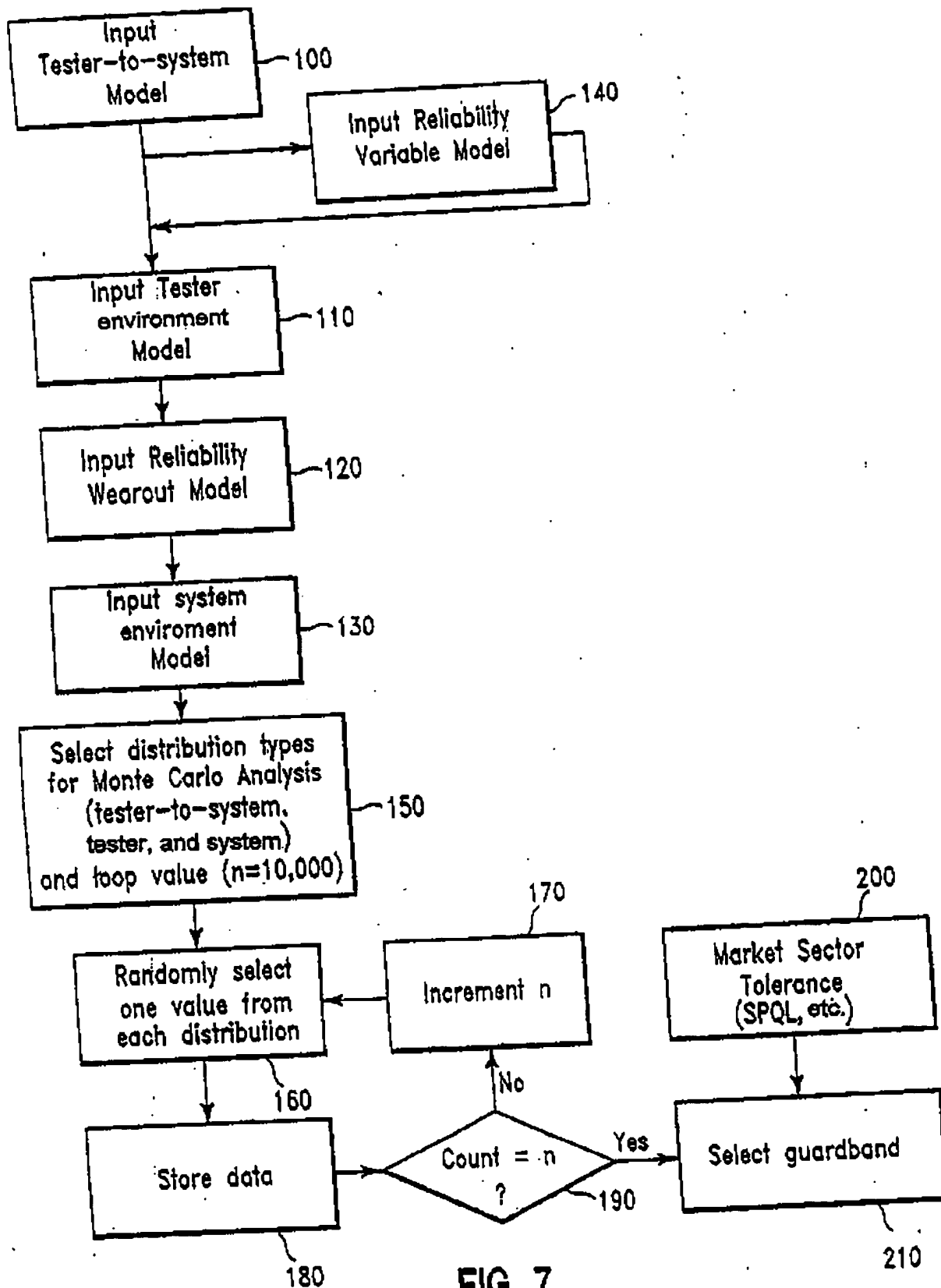
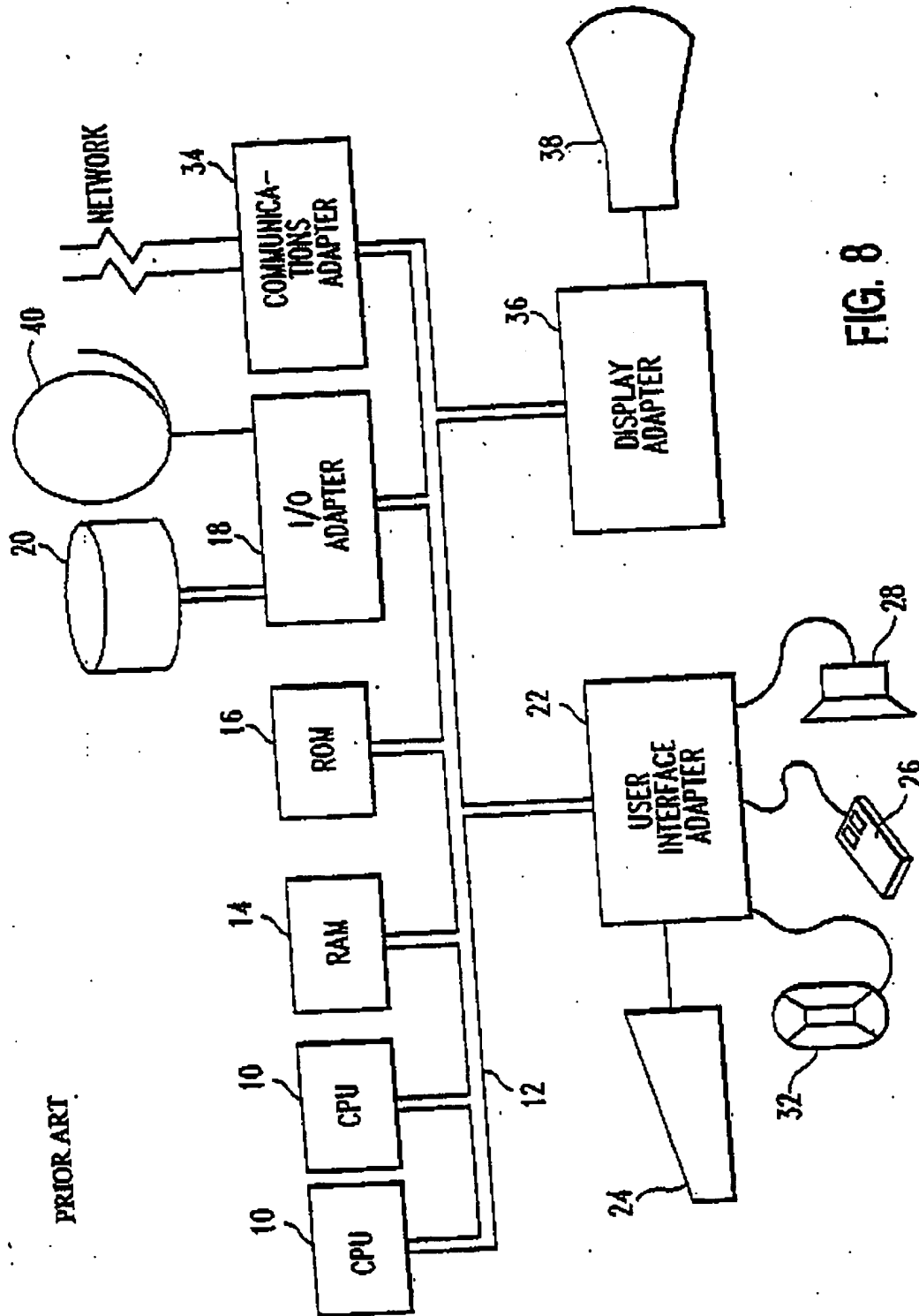


FIG. 7



PRIOR ART